



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › www.franklin.in.gov/planning

BZA Staff Report

To: Board of Zoning Appeals Members

From: Alex Getchell, Associate Planner

Date: February 24, 2016

Re: Cases ZB 2016-03 (SE & V) | Meineke Car Care Center

REQUESTS:

Case ZB 2016-03 (SE & V): A request for a Special Exception from the City of Franklin Zoning Ordinance, Article 3, Chapter 21, to allow an auto-oriented use (medium scale) – auto repair and body shop; vehicle detailing/accessory shop; oil change shop, in the IBD: Industrial, business development zoning district, and a developmental standards variance from Article 7, Chapter 10, Parking Standards, to allow fewer parking spaces than required by ordinance. The property is located at 110 Commerce Drive (formerly Grand Rental Station) and is 1.00 acre in size.

PURPOSE OF STANDARD:

The “IBD”, Industrial: Business Development zoning district is intended to provide locations for small scale manufacturing, construction, production, and assembly uses, as well as other light industrial uses. This district is specifically intended to provide appropriate setbacks and standards for small-scale businesses, entrepreneurial operations, start-up businesses, and similar operations.

CONSIDERATIONS:

Proposed Use | Automobile Repair & Service Center

1. Meineke Car Care Center (Petitioner) is proposing to relocate the Meineke franchise from their current location in Franklin, at 990 N. Morton Street, to 110 Commerce Drive (former Grand Rental Station). Petitioner wishes to solely occupy the 7,200 sq. ft. structure, with up to five employees onsite, and have seven overhead-door bays for vehicle repair and service.
2. Automobile Repair is defined as “The use of a structure or property for the repair of motor vehicles, including noncommercial trucks, motorcycles, recreational vehicles and boats; including, but not limited to, the sale installation and servicing of equipment and parts. Automobile repair includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.” Automobile Repair is listed as an Auto Oriented Use (Medium Scale) per the land use table in Article 3.2.
3. An Auto Oriented Use (Medium Scale) is listed as a Special Exception use in the IBD (Industrial: Business Development) and MXR (Mixed-Use: Regional Center) zoning districts.
4. Auto Oriented Use (Medium Scale) is listed as a permitted use in only the MXC (Mixed Use: Community Center) zoning district.

Preliminary Site Plan

5. See the attached preliminary site plan [Exhibit A]. The preliminary site plan shows the existing structure with a modified parking lot and interior drive layout.
6. Vehicular traffic will be restricted to one-way movements through the site, in a counterclockwise rotation.
7. Petitioner is proposing ten (10) parking spaces adjacent to the building, near the entrance on the south and west sides. An additional 14 parking spaces would be provided along the north property line and up to 14 vehicles could be stored inside the facility. See items #9-12 below.
8. Petitioner intends to keep all vehicles waiting to be worked on, inside the building.

Parking Variance Request

9. Article 7, Chapter 10 of the Zoning Ordinance states “Any use which is nonconforming in the zoning district in which it is located or is permitted by special exception or variance shall provide parking which is consistent with the use and the standards for the zoning district in which the use is permitted by this Ordinance. In no case shall the number of parking spaces required for non-conforming uses or those permitted by special exception or variance be solely based on the standards for the district in which they are located. The Board of Zoning Appeals shall specify the number of parking spaces for all uses permitted by special exception or variance consistent with the intent of this Chapter.”
10. According to Article 7, Chapter 10, Parking Standards:
 - A minimum of 1 off-street parking space is required for (rounded to the nearest complete space):
 - Every 200 sq. ft. of office space;
 - Every 200 sq. ft. of garage/repair facility floor area;
 - Each employee working on the largest shift; and
 - Each business vehicle stored on-site.
 - At least one (1) space must be reserved for disabled persons for every 25 parking spaces provided.
 - Minimum parking stall size is 9’ x 18’ and must be striped.
 - Each parking space must be paved with asphalt or concrete.
11. Therefore, according to Article 7.10, the number of off-street parking spaces required for the proposed use are as follows:
 - Office space/waiting area (2,880 sq. ft.): 14 spaces
 - Garage/Repair facility floor area (4,320 sq. ft.): 22 spaces
 - Employees on largest shift (5): 5 spaces
 - Business vehicles (1): 1 spaces
 - Disabled Persons spaces required: 2 spaces
 - **TOTAL SPACES REQUIRED: 42 spaces**
 - **TOTAL SPACES PROVIDED: 38 spaces (Requesting Developmental Standards Variance)**
12. At least two (2) spaces provided must be reserved for disabled persons, consistent with the requirements of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5)(a) and all applicable revisions.

Comprehensive Plan

13. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Business Development Area. “Business development areas are intended to serve as both the permanent home of small scale businesses and incubators of new local companies. Land uses in business development areas include manufacturing, light industrial operations, contractor’s offices, and products suppliers. In many instances the types of businesses in these areas are those that have both commercial and industrial qualities. The business development areas provide these uses the ability to serve customers in a setting that allows outdoor storage and the operation of heavy equipment and machinery that often are involved.”

14. The 2013 Franklin Comprehensive Plan, Land Use Plan indicates the current inventory of industrial land may not be adequate, and goes on to state that “more (industrial) land is needed to accommodate a variety of employer sites.”
15. The 2013 Comprehensive Plan, Land Use Plan also discusses the importance of maintaining an adequate inventory of available industrial land. “The land does not have to be completely developed, but should at least be zoned appropriately to protect it from competing uses.”
16. The 2013 Comprehensive Plan set five Land Use Goals; Land Use Goal 4 is as follows: “Ensure that Franklin has an adequate supply of appropriately located industrial land ready for development.”

Zoning Ordinance

17. The definition of a practical difficulty, according to the 2004 City of Franklin Zoning Ordinance is: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Developmental Standards to improve his/her site in practical manner. For instance, a person may request a variance from a side yard setback due to a large tree that is blocking the only location that would meet the Development Standards for a new garage location.
18. According to Article 2.5: A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.
19. According to Article 11.3: Unless otherwise specified by the Board, use variance approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit use variances to a specific time period and a specific use. Use variances shall be invalid if (1) the property conforms with the Ordinance as written or (2) the variance is terminated.

Surrounding Zoning:

North:	IBD, Industrial: Business Development IL, Industrial: Light
South:	IBD, Industrial: Business Development MXR, Mixed-Use: Regional Center
East:	IBD, Industrial: Business Development
West:	MXR, Mixed-Use: Regional Center

Surrounding Land Use:

North:	Vacant (formerly Grand Rental Station storage) Duke Energy
South:	Metronet Hash CPA Group BMO Harris Bank
East:	Complete Hydraulic
West:	KFC Restaurant ATI Physical Therapy

ZB 2016-03 (SE)

CRITERIA FOR DECISIONS – SPECIAL EXCEPTIONS:

(The petitioner will need to address the Criteria for Decisions in their presentation**)**

In taking action on all special exception and variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a special exception and a variance from development standards and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

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DECISION CRITERIA – SPECIAL EXCEPTION

1. ***General Welfare: The approval (will or will not) be injurious to the public health, safety, morals, and general welfare of the community.***

Staff Finding:

Staff finds the approval of the special exception will not be injurious to the public health, safety, or general welfare of the community. The proposed site plan, including a modified parking lot and interior drive, will provide safe and efficient traffic flow through the site. Additionally, while the petitioner is unable to provide all of the required parking spaces, they intend to keep all vehicles waiting to be worked on inside the facility; theoretically, that would leave 24 parking spaces available outside of the facility.

2. ***Development Standards: The requirements and development standards for the requested use as prescribed by the Zoning Ordinance (will or will not) be met.***

Staff Finding:

The proposal will meet the development standards, with the exception of providing four fewer parking spaces than required. Staff is recommending conditional approval of the associated developmental standards variance for number of parking spaces. While the petitioner is unable to provide all of the required parking spaces, they intend to keep all vehicles waiting to be worked on inside the facility; theoretically, that would leave 24 parking spaces available outside of the facility. According to the petitioner, the standard procedure for their business, is to bring each customer vehicle inside the facility when it is dropped off; therefore, the parking space requirements, for typical auto-repair facilities, greatly exceed their normal operating procedure.

3. ***Ordinance Intent: Granting the special exception (will or will not) be contrary to the general purposes served by the Zoning Ordinance, and (will or will not) permanently injure other property or uses in the same zoning district and vicinity.***

Staff Finding:

According to the district intent, the IBD: Industrial, Business Develop is “intended to provide locations for small scale manufacturing, construction, production, and assembly uses, as well as other light industrial uses. This district is specifically intended to provide appropriate setbacks and standards for small-scale businesses, entrepreneurial operations, start-up businesses, and similar operations.” Staff finds the proposed use, auto-oriented use (Medium Scale), is of similar nature and intensity to the uses permitted in this district. Approval of the use at this site will not be contrary to the zoning ordinance, and will not permanently injure other property or uses in the vicinity.

4. ***Comprehensive Plan: The granting of the variance (does or does not) interfere substantially with the Comprehensive Plan.***

Staff Finding:

Staff further finds, that the granting of the special exception will not substantially interfere with the Comprehensive Plan. The area is identified as a Business Development Area in the Comprehensive Plan; the Comprehensive Plan states that in many instances the types of businesses in these areas are those that have both commercial and industrial qualities, including the use of outdoor storage and the operation of heavy equipment and machinery. Staff finds the proposed use to be substantially similar to both commercial and industrial uses.

STAFF RECOMMENDATION – SPECIAL EXCEPTION

Based on the written findings above, staff recommends **approval with the following conditions:**

1. An application shall be submitted to and shall receive approval from the Division of Fire & Building Safety Plan Review Branch of the Indiana Department of Homeland Security for the change of use, and the structure shall meet all building code requirements for the change of use.
2. Where applicable, Improvement Location Permit(s) shall be obtained prior to construction/renovation.

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3. A minimum of 38 parking spaces shall be provided onsite; a minimum of 24 spaces shall be exterior to the building, on a paved and striped parking lot surface, with the remaining required spaces provided within the building.
4. Vehicles waiting to be worked on shall be kept inside the facility or stored behind an opaque wall or fence.
5. A Site Development Plan shall be approved administratively prior to modification of the site.

ZB 2016-03 (V)

CRITERIA FOR DECISIONS – DEVELOPMENT STANDARDS VARIANCES:

(The petitioner will need to address the Criteria for Decisions in their presentation**)**

In taking action on all special exception and variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a special exception and a variance from development standards and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

DECISION CRITERIA – DEVELOPMENT STANDARDS VARIANCES

1. *General Welfare: The approval (will or will not) be injurious to the public health, safety, morals, and general welfare of the community.*

Staff Finding:

The approval of the variances will not be injurious to the public health, safety, morals or general welfare of the community. The proposed site plan, including a modified parking lot and interior drive, will provide safe and efficient traffic flow through the site. Additionally, while the petitioner is unable to provide all of the required parking spaces, they intend to keep all vehicles waiting to be worked on inside the facility; theoretically, that would leave 24 parking spaces available outside of the facility.

2. *Adjacent Property: The use and value of the area adjacent to the property included in the variance (will or will not) be affected in a substantially adverse manner.*

Staff Finding:

Staff further finds that the use and value of the adjacent property will not be affected in a substantially adverse manner, as the petitioner is providing over 90 percent of required parking spaces, and their business practice is to keep all vehicles waiting to be worked on, inside the building. The lack of four additional parking spaces will have no deleterious affect on the adjacent properties.

3. *Practical Difficulty: The strict application of the terms of the ordinance (will or will not) result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.*

Staff Finding:

The strict application of the ordinance will result in a practical difficulty, as the petitioner chooses to store all vehicles waiting to be worked on, inside the building. In many cases, auto-repair businesses will store vehicles outside in the parking lot; because of that, the ordinance requires a substantial amount of parking be required of this type of use. Since the petitioner operates in an atypical manner, it is not practical to require the typical number of parking spaces.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES

Based on the written findings above, staff recommends **approval with the following conditions:**

1. A minimum of 38 parking spaces shall be provided onsite; a minimum of 24 spaces shall be exterior to the building, on a paved and striped parking lot surface, with the remaining required spaces provided within the building.
2. Vehicles waiting to be worked on shall be kept inside the facility or stored behind an opaque wall or fence.
3. The Site Development Plan shall be approved administratively prior to modification of the site.